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Report of the Independent Expert on the situation of human rights in Somalia*

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Independent Expert on the situation of human rights in Somalia, Bahame Tom Nyanduga, prepared pursuant to Council resolution 33/17. The report highlights the significant improvements in the human rights situation in Somalia in terms of governance and the peacebuilding process, notwithstanding the continuing threat by the armed opposition group Al-Shabaab.

The election of Mohamed Abdullahi Mohamed "Farmajo" as President on 8 February 2017 completed a peaceful transition of power, which is a testimony to the peacebuilding efforts and the consolidation of State institutions in Somalia. The international community's engagement with Somalia continued through successful missions by, among others, the Secretary-General and the Federal Minister for Foreign Affairs of Germany, and through the summit of the Intergovernmental Authority on Development, held in Mogadishu in September 2016.

International engagement also manifested itself through the continued presence of the United Nations Assistance Mission in Somalia and the African Union Mission in Somalia. That presence is critical to the stabilization and peacebuilding process. The international community offers much-needed support to the Federal Government of Somalia in many areas.

The successful conclusion of the London Conference on Somalia on 11 May 2017 underlined the need for continued reforms and support in the governance, security, rule of law and justice sectors and for political frameworks at the federal and state levels.

The clan system of Somali society, which is heavily influenced by male traditional elders, continues to pose grave challenges to the enjoyment of women's rights, despite the progressive policies and legislation adopted at the federal and state levels to combat sexual offences and harmful traditions and attitudes. The Independent Expert urges the authorities to address the role of traditional elders in resolving sexual and gender-based violence. He encourages the Federal Government and the Puntland and Somaliland authorities to adopt,

* The present report was submitted late to reflect the most recent developments.

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where necessary, policies and legislative and judicial sector reforms to guarantee women the right to access to justice.

Somalia has continued to face terrorist attacks by Al-Shabaab that threaten to weaken or reverse the gains made to date in the enjoyment of civil, political, economic, social and cultural rights. Moreover, the three-year drought has caused a humanitarian crisis affecting more than half the population and decimating about 60 per cent of livestock, which has brought economic hardship to the population.

The process of establishing the national human rights commission has begun, based on the bill adopted by the Federal Parliament on 6 June 2016 and signed into law by former President Hassan Sheikh Mohamud in August 2016. The Independent Expert encourages the Government to expedite the process and ensure that the commission is credible.

The Independent Expert concludes by recommending, inter alia, that the international community promote the smooth disengagement of the African Union Mission in Somalia by ensuring that the Somali National Army is properly trained and funded. He recommends that the Federal Government ratify the Convention on the Elimination of All Forms of Discrimination against Women, and that the federal, state and subnational authorities adopt or implement policy, legislative and institutional reforms aimed at the promotion and protection of the rule of law and human rights, particularly women's rights.

Report of the Independent Expert on the situation of human rights in Somalia

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I. Introduction

1. The present report of the Independent Expert on the situation of human rights in Somalia, Bahame Tom Nyanduga, covers the period since his report to the thirty-third session of the Human Rights Council in September 2016 (A/HRC/33/64). It is submitted pursuant to Human Rights Council resolution 33/17, in which the Council requested the Independent Expert to continue his engagement with the Federal Government of Somalia at the national and subnational levels, civil society and the United Nations Assistance Mission in Somalia (UNSOM), with a view to assisting Somalia in the implementation of its international human rights obligations, Council resolutions, recommendations accepted during the universal periodic review and other human rights commitments, including the post-transition human rights road map and, particularly, the establishment of an independent human rights commission, and to uphold human rights during the election process and the political transition to a new government. The Council also requested the Independent Expert to report to it at its thirty-sixth session.

II. Mission to Somalia

2. The Independent Expert conducted a mission to Somalia, including Somaliland, from 15 to 25 May 2017. It was his fourth mission since his appointment.[1]

3. The objectives of the Independent Expert's mission, besides monitoring the human rights situation, included following up on implementation of the recommendations of the Council and other human rights mechanisms. In addition, the Independent Expert wished to conduct consultations with the Federal Government and other stakeholders on a proposed initiative on responses in the justice system when addressing the rights of women, particularly the role of the traditional justice system, *xeer*, in combating sexual and gender-based violence. The consultations were conducted as a follow-up to those held in Geneva and Nairobi in March 2017.

4. During the mission, he discussed with Federal Government representatives the progress made in establishing critical national institutions that are key to consolidating governance in Somalia, with a view to holding elections in 2021 based on universal suffrage. The institutions include the national human rights commission, the judicial service commission and the constitutional review commission, all of which will greatly enhance the State's capacity to ensure respect for human rights. He also followed up on concerns regarding the right to freedom of expression, attacks on media personnel, the non-implementation of a moratorium on the death penalty, the protection of the rights of women and children, and the lack of protection for vulnerable groups, particularly persons with disabilities, refugees, internally displaced persons and members of minorities. Moreover, as the new authorities have made security their main priority, the Independent Expert wanted to know how counter-terrorism measures would be conducted while maintaining respect for human rights.

5. The Independent Expert met with the Federal Deputy Prime Minister, the Chief Justice, the Attorney General, the Minister of Women and Human Rights Development, the Minister of Information, the Minister of Justice, the Minister of Labour and other senior officials at the federal level. In Puntland, he met with the Vice-President, the Minister of Women and Human Rights Development and the Minister of Justice. In Somaliland, he met with the Chief Justice, the Minister of Resettlement, Rehabilitation and Reconstruction, the Deputy Attorney General, the Chairperson of the Somaliland Human Rights Commission and other senior officials.

6. The Independent Expert also held consultations with the Deputy Special Representative of the Secretary-General and senior staff of UNSOM, as well as representatives of United Nations agencies and programmes operating in the country,

[1] Previous missions took place in December 2014, May 2015 and April 2016.

including the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP) and the UNSOM Human Rights and Protection Group. He held discussions with the Special Representative of the Chairperson of the African Union Commission for Somalia and the Head of the African Union Mission in Somalia, along with the latter's senior advisers. He also met with members of civil society representing traditional elders, Islamic law scholars, women, young people, media and persons with disabilities in Mogadishu, Garowe and Hargeisa.

III. Developments since the Independent Expert's previous report

7. During the period from September 2016 to mid-2017, Somalia witnessed a number of major events and developments that had an impact on the enjoyment of human rights in the country, including the Federal Government's hosting of the summit of the Heads of State of the Intergovernmental Authority on Development in Mogadishu on 13 September 2016. The summit, which was attended by leaders from Djibouti, Ethiopia, Kenya, Somalia, South Sudan and Kenya, sent a strong signal about confidence in the State-building process and the improvement in the security situation in Somalia. In addition, several delegations, including representatives of the Security Council, the newly elected Secretary-General of the United Nations and the Federal Minister of Foreign Affairs of Germany, visited the country.

8. The highlight of that period was the successful conduct of a peaceful and credible electoral process, which culminated in the election of 275 members to the lower house (the House of the People) and 54 members to the upper house of the Federal Parliament of Somalia and of the Federal President, Mohamed Abdullahi Mohamed "Farmajo", which was followed by the peaceful transfer of power from Hassan Sheikh Mohamud, the former President. That electoral process showed that Somali people are ready for democratic governance rather than the rule of the gun; they have defied the threats to disrupt the elections made by the armed opposition group Al-Shabaab.

A. Electoral process in the 2016 election

9. The electoral process took place between 24 September 2016 and 8 February 2017. Direct elections based on universal suffrage could not be held, owing to several challenges that could not be overcome before the expiry of President Hassan Sheikh Mohamud's term of office. The international community supported the clan-based indirect electoral process, out of necessity. In 2012, the 4.5 clan system, composed of the four dominant clans (Darood, Dir, Hawiye and Rahanweyn) plus minority groups, appointed an electoral college of 135 clan elders, who elected members of parliament, who then elected the President. In 2016, an electoral college of 14,025 clan representatives across the country elected the 275 members of the lower house and the 54 members of the upper house. Some 67 women, representing 24.7 per cent of members of parliament, were elected to the lower house. Some of them won their seats against male candidates.

10. The election of President Farmajo by the Federal Parliament on 8 February 2017 caused nationwide jubilation because of his peace and anti-corruption campaign. In his inaugural address, President Farmajo called on the members of Al-Shabaab to lay down their arms and negotiate a peace without preconditions. If President Farmajo's call is heeded, it could be a window of opportunity for peace in Somalia, following almost 30 years of conflict.

11. Following the successful elections and the formation of the Government in March 2017, the most important challenge now is for the Federal Government to finalize the details of its relationship with the regional states. One of the new challenges is the protection of electoral delegates and members of parliament from Al-Shabaab, which had vowed to attack them after the elections. The group has claimed responsibility for a number of killings of delegates.

B. Women's participation in public affairs

12. During his 2016 mission to Somalia, the Independent Expert invested considerable time in advocating for the right of Somali women to participate in public affairs. He met with traditional elders and Islamic scholars to discuss the need to mainstream women in the electoral process, with a view to securing the desired quota of 30 per cent of women representatives in each clan and subclan (see A/HRC/33/64, paras. 32 and 44). While the 30 per cent quota was not achieved, women currently account for 24.7 per cent of members of parliament, which is commendable, considering the security challenges, threats and the traditional patriarchal system which formed the basis of the electoral system. The new federal cabinet includes six female ministers in charge of key portfolios: commerce and the port authority, education, health, women and human rights development, youth and sport, and humanitarian and disaster management.

C. London Conference on Somalia

13. On 11 May 2017, the British Foreign and Commonwealth Office convened an international conference on Somalia, which concluded with a commitment to improving the security sector, governance and peacebuilding in Somalia. The Security Pact adopted at the London Conference endorsed the national security architecture, the national security policy and the new policing model for Somalia, as endorsed by the country's National Security Council on 8 May 2017. The national security architecture is central to achieving sustainable security reform and the transfer of the primary responsibility for security from the African Union Mission in Somalia (AMISOM) to Somali security forces. It is also central to the framework for security institutions, decision-making and the way policing will be governed and delivered, with a division of responsibilities between the federal and state levels.

14. Participants in the London Conference urged the leaders of Somalia to expedite an agreement on a federal model for the justice sector. The country's existing National Strategy and Action Plan for Preventing and Countering Violent Extremism, published in September 2016, was also endorsed by all partners. Participants noted the need, in particular, to increase cooperation to support the National Programme for the Treatment and Handling of Disengaged Combatants in Somalia, as well as the national action plans on children and armed conflict.

15. Following the London Conference, several positive measures have been taken by the Somali authorities and international partners to follow up on key decisions taken at the Conference. On 8 June 2017, the first meeting on the Comprehensive Approach on Security Forum was held, and work on a federal justice model is progressing. The Somali authorities have taken some encouraging steps to advance the constitutional review process; following consultations with key stakeholders, the Federal Government is now finalizing the process. Furthermore, during May 2017, representatives of the Federal Government, the federal member states and international partners held consultations in Mogadishu and Nairobi on a preliminary master plan to complete the constitutional review process within two years. With regard to elections, technical work supported by the United Nations is under way to develop options for models of representation. An aid coordination mechanism is being established in order to ensure greater implementation of the National Development Plan priorities. The current positive momentum in peacebuilding and State-building efforts needs to be sustained. Other key tasks ahead include the development of an electoral law setting out the legislative framework by the end of 2018, and aligning political agreement with the constitutional mandate of the National Independent Electoral Commission to conduct the process.

16. The Independent Expert expects that the consultations will resolve all outstanding issues so that the 2020/21 electoral calendar is followed in a timely manner, thus avoiding the delays experienced in 2016. The consultations might cover, inter alia, achieving a comprehensive political settlement on major outstanding constitutional issues, such as the division of powers between the Federal Government and federal member states; determining the status of Mogadishu; achieving a lasting resolution of disputes between the

Federal Government and Somaliland; and deepening the democratic process at the federal and decentralized state levels in relation to a broadly accepted democratization road map for the 2021 elections. There is also an urgent need to ensure adequate and sustained donor funding for the constitutional review process and the preparations for universal elections, as well as an equitable distribution of donor funds between the Federal Government and federal member states.

D. Challenges

17. Notwithstanding those positive developments, the situation in Somalia has been overshadowed by the three years of drought that have caused a humanitarian crisis. The drought has affected more than half the population in terms of food shortages, child mortality and malnutrition, destroyed about 60 per cent of livestock and brought economic hardship to the population.

18. The other major challenge to the peacebuilding and State-building efforts is still the threat posed by Al-Shabaab, which has continued its deadly attacks on civilians and its campaign of bombing civilian targets, such as hotels and markets. Successful operations by the Somali National Army and AMISOM forces have helped to recover some of the territories it previously controlled.

19. Regarding the security situation, AMISOM troops and the Somali National Army have liberated large parts of Somali territory, and progress has been made in enhancing command and control within AMISOM. The Independent Expert learned that, because of recent political developments, Al-Shabaab is likely to be concentrating tactically on Mogadishu, in order to enhance terrorist attacks, in particular attacks on soft targets such as hotels and markets. In addition to the task of wiping out Al-Shabaab in the capital, it is crucial to consolidate the security situation in all regional states. That includes planning for the Juba corridor to facilitate military measures against extremist groups, because Al-Shabaab is concentrated in southern central Somalia.

E. Economic, social and cultural rights

20. The economic conditions in Somalia are difficult, and the delivery of social services faces acute resource challenges. According to UNICEF, 43 per cent of the Somali population[2] live in extreme poverty on less than $1 per day. Some 4.7 million people depend on humanitarian assistance. The main source of income of the population is management of livestock, which has been badly affected by the drought. Only 42 per cent of children attend school, only 45 per cent of the population have access to clean water and only 25 per cent of the population have access to adequate sanitation. Gross domestic product (GDP) per capita is $284, considered to be the fifth lowest in the world. Remittances from Somalis living abroad account for 35 per cent of GDP.[3] The account of the humanitarian situation below details some of the challenges facing the Somali population.

21. UNICEF is conducting programmes for child health and safe motherhood: immunization against polio, malaria prevention activities and HIV testing and treatment. More than 2 million children have been immunized since the outbreak of polio in May 2013. In May 2015, the outbreak was declared to be over. Approximately 2.5 million people are covered by UNICEF humanitarian interventions. UNICEF supports 70 per cent of primary health care services, thanks to the grants issued by the Global Fund to Fight AIDS, Tuberculosis and Malaria since 2002.

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[2] The Somali population is estimated at 12.3 million people. See www.unicef.org/somalia/SOM_media_fastfacts3une2016.pdf.

[3] See A/HRC/33/64, para. 78, in which the Independent Expert estimated that remittances accounted for $1.3 billion, or slightly more than external aid by donor countries.

22. In the education sector, UNICEF supports five thematic areas to strengthen the education system and provide high-quality education, even for the most marginalized children, through formal education, alternative basic education, youth education and skills development, institutional strengthening and education in emergencies. More than 10,000 over-age children from pastoralist communities have benefited from alternative basic education centres.

23. Recently AMISOM handed over the Somali National University, which was previously occupied by AMISOM contingents, to the Federal Government, following renovation work. That will enhance the right to tertiary education in Somalia.

F. National Security Council: a cornerstone of federal State-building

24. From 15 to 16 April 2017, the political and security advisers of the leadership of the Federal Government and federal member states held a two-day meeting to discuss political questions relating to Somalia's national security architecture. Inter alia, the Federal Government and federal member states agreed to establish a National Security Council, headed by the President of the Federal Government, and regional security councils headed by the presidents of the federal member states. It was agreed that the National Security Council will include the Prime Minister, the state ministers for internal security, foreign affairs, interior, justice, defence and finance and the Governor of Banadir region. It will also include technical members, namely heads or directors from the Somali National Army and National Security Advisers. The 16 April agreement, which created an affordable, professional security force, makes a major contribution to the construction of a strong barrier against insecurity and instability and is thus a milestone in Somalia's history which will improve the national security architecture.

IV. Progress made in the implementation of previous recommendations: cooperation with human rights mechanisms

25. During his mission to Somalia, the Independent Expert engaged with the Government to get an idea of how the new authorities intended to implement earlier human rights recommendations. He learned about challenges in the implementation of many of the recommendations made during the universal periodic reviews of 2011 and 2016 and those emanating from his own reports to the Council. Challenges in implementing recommendations included the lack of human, financial and institutional resources at both the federal and state levels, which had an impact on the delivery of goods and services to the Somali people. The ratification of the Convention on the Elimination of All Forms of Discrimination against Women has been challenged by the strong reaction of some Islamic clerics. The application of the death penalty continues on religious grounds, contrary to a recommendation made during the 2011 universal periodic review that the country should impose a moratorium. There have been delays in the adoption of the sexual offences legislation at the federal level.

26. The critical challenges faced by the new authorities were echoed in the Security Pact adopted at the London Conference (para. 2), which stated that, while progress had been made on State-building, institutional capacity remained weak on governance, justice and the rule of law, security, human rights and delivery of basic services. Insecurity remained a central fact of life for much of the population. Many challenges remained: terrorist groups such as Al-Shabaab and Daesh were still a threat to peace and security; work to address constitutional issues needed to be expanded and accelerated and a stable federal settlement reached; security sector reform had not progressed as quickly as envisaged; and the threat of piracy remained real.

27. The Federal Minister of Women and Human Rights Development is building on the work done by her predecessor on the sexual offences bill in order to ensure that a new bill is brought before the Federal Parliament. In addition, work is under way to review the Government's position on the Convention on the Elimination of All Forms of

Discrimination against Women and to hold consultations with all stakeholders, including members of the Federal Parliament, to ensure that Somalia ratifies the Convention on terms acceptable to the religious establishment.

28. Senior Federal Government leaders, including the Deputy Prime Minister, expressed the Government's commitment to respecting the rule of law and undertaking legal reform to underpin human rights. The priorities of the new Government included the establishment of a functioning independent human rights commission and judicial service commission and reforms in the security and justice sector. The Government was committed to protecting and promoting human rights, as guaranteed in the Somali Provisional Federal Constitution.

29. The Minister of Women and Human Rights Development emphasized the need for technical cooperation and capacity-building at all levels; her Ministry had prioritized and was currently working on the establishment of a fully-functioning national human rights commission, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Government was addressing duplication of efforts and streamlining ministerial functions to enhance complementarity. She called upon the United Nations system to coordinate effectively with ministries in their work.

30. The issue of capacity in all ministries is a serious concern. The Independent Expert is of the view that implementing the commitments made by the international community to support Somalia at the current time is crucial.

V. Freedom of expression

31. The new Government continued to face challenges regarding the exercise of freedom of expression and opinion, particularly because of the 2016 media legislation. Safety and security are major concerns for journalists operating in Somalia. One year after the law came into force, the media commission has yet to become operational. The differences between the Government and media professionals, which should be addressed under article 15 of the media law, therefore remain unresolved because of the failure to establish the media commission.

32. The Independent Expert learned about cases of detention without trial, police brutality, intimidation of journalists, the overall insecurity facing journalists, the hostile operating environment and other violations of the right to freedom of expression and media rights across Somalia. Between August 2016 and February 2017, the Independent Expert was informed that 55 journalists were arbitrarily arrested and illegally detained and five media outlets were closed. Of those 55 violations, 26 took place in Somaliland, 14 in the Interim South West Administration, 7 in Mogadishu, 4 in Jubbaland, 3 in Hirshabelle and 1 in Galmudug. The majority of the detainees were released without charge or, when charges were pressed, they were dropped for lack of evidence. Al-Shabaab killed some 22 journalists and injured 25 others while the journalists were carrying out their duties. Many of the problems and attacks that journalists face result from reporting on issues related to security, corruption and politics.

33. The leadership of the National Union of Somali Journalists informed the Independent Expert that violations of freedom of expression have continued in 2016/17. The annual report of the National Union for 2016 details some 20 cases of violations recorded since the new leadership assumed office, including the killing of journalists Sagal Salad Osman in June 2016 and Abdiaziz Mohamed Ali (Haji) in September 2016, by unknown armed men.

34. The 26 cases of arbitrary arrest and illegal detention that took place in Somaliland involved 19 journalists, 1 human rights defender, 1 blogger, 2 poets and 3 politicians. Most of the journalists were released without charge before they appeared in court, or the charges were dropped by the courts for lack of evidence.

35. The Deputy Prime Minister stressed the need to train Somali journalists, particularly investigative journalists, so that they could investigate corruption cases. In his view, he said, investigative journalism promoted government accountability as it presented evidence

that the Government could use to combat corruption. He emphasized the need for journalists to uphold the values of ethical journalism and professionalism.

36. The Minister of Information underscored the fact that his priority was to safeguard freedom of expression. He stated that the Government and media representatives had reached an agreement on implementing the media law during a consultation held in May 2017. He further stated that the new Government was against the arbitrary arrest of journalists, that any arrests that were necessary should be conducted by the Somali Police, not by the National Intelligence and Security Agency, and that, furthermore, before an arrest the Ministry of Justice should consult the Ministry of Information.

37. An issue reported by the Independent Expert in 2016 remains a matter of concern (see A/HRC/33/64, paras. 60-63). The Independent Expert learned that the existence of two factions within the National Union of Somali Journalists, concerning which a complaint had been filed against Somalia before the International Labour Organization (ILO), remained a point of contention between the Government and the former Secretary-General of the organization, Omar Farouk Osman. Mr. Osman had continued to challenge the legitimacy of the current leadership of the union despite the union elections in 2016, which he claimed had been rigged by the Government in order to oust him. With the support of the International Trade Union Confederation, Mr. Osman had filed a complaint before the ILO Administrative Tribunal, as a member of the Federation of Somali Trade Unions. The Administrative Tribunal had ruled in his favour.

38. The Minister of Labour had questioned that decision during the International Labour Conference in June 2017, arguing that the international system was being abused to serve one person's interests. The Independent Expert proposes to use his good offices and goodwill to mediate between the two sides, because he believes that there are fundamental issues that both sides have to address in a calm manner. It is a typical case that requires a Somali solution for a Somali problem, without compromising on the fundamental rights of the individual or the role of the State to safeguard those rights.

39. The new Federal Government assured the Independent Expert of its commitment and readiness to work with media owners and journalists to review and amend the federal media law of 2016. It was determined to address the concerns that had been expressed by journalists' associations and media practitioners by ensuring that all allegations of impropriety by media professionals were investigated by the police, not the National Intelligence and Security Agency.

VI. Strengthening institutions for justice and the rule of law

40. In his report to the Council in September 2016, the Independent Expert reported that the Federal Government was committed to improving the human rights situation in the country by deploying human rights advisers in every ministry, the National Intelligence and Security Agency, the police and the military (see A/HRC/33/64, para. 47). However, little has been achieved in that regard. The Independent Expert was informed that capacity-building for justice and rule-of-law professionals was urgently needed.

41. The Independent Expert learned that the Government, with donor support, is building a court complex in Mogadishu, which will house courts, police premises, prisons and judges' accommodation in order to guarantee greater security and facilitate service delivery in the dispensation of justice.

42. Likewise, the Chief Justice made it clear that the upholding of human rights obligations was dependent on the institutions of the rule of law, particularly the judicial institutions in charge of assisting the Government to fulfil those obligations. He raised the question of how the three generations of rights would be upheld, since the limited capacities of the institutions led people to turn to traditional dispute resolution mechanisms.

43. The Chief Justice was of the view that access to justice must be available and affordable for all Somali citizens, meaning that judicial institutions must be created and judges and lawyers trained throughout the country. He highlighted the challenges facing the system, including the lack of institutional links between the regional and federal courts. In

some regional states, the appeal courts were the highest courts, while in others there were supreme courts and a court of appeal. That situation created an imbalance within the Somali justice system and people in some parts of the country were being denied justice.

44. On the basis of that account, the Independent Expert urges the Somali authorities to ensure speedy implementation of the communiqué of the London Conference which, inter alia, calls for reforms in the justice sector. The Independent Expert believes that the international community must place significant emphasis on, and invest in, military and security-related institutions and operations. He suggests that, as Somalia changes from a conflict-ridden State to a democratic State, there is a need to strengthen the institutions of democracy and the rule of law through the equitable and commensurate allocation of resources to all institutions that form the foundations of a democratic system, such as the judiciary, civil society, a professional civilian police force and professional correctional services.

45. The Attorney General indicated that the military court currently tried only terrorism-related cases, given that the main enemy of stability in the country remained Al-Shabaab. Military trials were short, lasting only seven days in accordance with the military code, unlike civil trials. Somalia had two military courts, operating in wartime and peacetime, respectively. The Federal Government and federal member states had continued the exercise of jurisdiction by military courts in the context of the fight against terrorism and military-related offences.

46. The Attorney General stated that executions were no longer conducted in public, unless authorization was given by the Ministry of Justice. The Government was working with the regional states to enforce that rule. While there were currently 82 cases where the death penalty had been imposed, the Attorney General was working on alternative punishments and on the ratification of the second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty. However, the UNSOM Human Rights and Protection Group has reported that 27 death sentences have been pronounced in Puntland alone in 2017.

47. The Minister of Justice argued that, while the justice system functions well under normal conditions, human rights are poorly observed in times of frequent armed attacks and terrorism. He urged the Independent Expert and the Council to recognize that Somalia was in a state of war and that full respect for the rule of law was a work in progress. He stressed that human rights were enshrined in the Constitution. The Minister stressed the importance of establishing a constitutional court in Somalia in order to resolve conflicts between the Federal State and the regional states. The court would also be essential for the stabilization of the country and would contribute to the State's ability to respect, protect and fulfil human rights. He requested support in terms of human and material resources, ranging from training for judges to the creation of infrastructure for the courts.

48. The Ministry of Justice was in the process of conducting a review of existing laws, addressing corruption by drafting an anti-corruption law and training judicial professionals. There was a need for law libraries that could contribute to public awareness about human rights and the realization of the Government's commitment to upholding human rights and ensuring an independent judiciary. While many training sessions and workshops on the traditional justice system were being conducted, they seemed to have had no positive outcomes to date. The Minister would have preferred to devote resources to building or strengthening the formal justice system.

49. The Minister of Justice said that the *xeer* professionals who were currently working with some ministries could have been empowered to deal with cases of sexual and gender-based violence. Based on his experience as a human rights lawyer and a human rights defender, he knew the importance of translating human rights principles so that they matched the reality on the ground.

VII. Humanitarian situation

50. In spite of progress made on the political front, there is an acute humanitarian situation in Somalia that requires urgent attention to save the lives of millions of vulnerable people. Currently, about one third of the population is in need of immediate assistance in terms of food security and livelihood. Over 70 per cent of those people are in the conflict-ridden southern central zone where Al-Shabaab operates and where humanitarian access is limited as a result of insecurity. Some 30 per cent of children under the age of 5 are acutely malnourished.[4] The 2017 Gu rains started later than normal and, so far, have been below average in all areas, except in the north-east where the rains have been near-average, according to the Somalia Water and Land Information Management project of the Food and Agriculture Organization of the United Nations. According to UNICEF, an estimated 4 million children are in urgent need of assistance.[5] About 900,000 children are acutely malnourished. The final total is likely to be as high as 1.4 million, including over 275,000 children who have suffered or will suffer life-threatening severe acute malnutrition in 2017.

51. To respond to the growing needs, the Somali authorities, supported by the humanitarian country team, have shifted operations from drought response to famine prevention. The shift is reflected in the Operational Plan for famine prevention, issued in mid-February 2017, which seeks $825 million to reach 5.5 million people between January and June 2017. The revised Humanitarian Response Plan for 2017 reflects an extension of the scaled-up response until the end of the year, given the likelihood that the level of the Gu rains will be below normal. The revised response plan seeks $1.5 billion in 2017 to further scale up and provide life-saving assistance for those 5.5 million people. Already, the sum of $672 million has been made available since the beginning of the year, but that leaves a gap of $875 million for the remainder of the year. Despite unprecedented generosity, early donor contributions and commitments need to be further scaled up and sustained until the end of the year. The overall humanitarian needs are likely to persist until the end of 2017. The Independent Expert commends the Government of the United States of America for its pledge of funding for drought-hit countries, including Somalia, which will do a great deal to address humanitarian needs at what is a critical time.

52. The drought has led to a massive displacement of people: 714,000 persons have been displaced since November 2016, adding to the 1.1 million who were already internally displaced. That figure includes 158,000 persons in Baidoa and 154,000 in Mogadishu who have been newly displaced since the start of the crisis. All settlements of internally displaced persons are reported to lack adequate shelter and critical non-food items. The overall situation in Somaliland is much better than in other parts of Somalia. Somaliland has taken in refugees fleeing from the conflict in Yemen, as well as internally displaced persons from southern central Somalia, because of the relative peace it enjoys.

53. As the drought continues, an increasing number of Somalis are crossing borders. Since January 2017, a total of 4,768 Somalis have arrived in Ethiopia and another 2,000 in Kenya. Access to basic services such as health, water, sanitation and food is critical for them. The drought is blocking access to those critical basic services and has a significant negative impact on education and child protection. Children are increasingly dropping out of school as families rely on negative coping strategies, including enlisting children to search for water and food.

54. Given the increase in internal displacement and forced evictions, protection concerns are intensifying. Gender-based violence is rampant, mostly affecting women and girls. According to the UNSOM Gender-Based Violence Subcluster, a total of 3,200 cases of gender-based violence were reported from September 2016 to March 2017 in the drought-affected regions, and the actual numbers are estimated to be far higher.

55. The Independent Expert commends the Federal Government Special Envoy for Children's and Migrants' Rights, Mariam Yassin Hagi Yussuf (also the national focal point

[4] See http://www.unocha.org/somalia and www.unicef.org/somalia/.
[5] See www.unicef.org/somalia/SOM_sitrep_6_15May2017.pdf.

for conducting human trafficking and smuggling, but has lobbying on behalf of migrants, refugees trapped in Libya and Yemen, and returnees from Yemen. She informed the Independent Expert about the plight of many Somali citizens who, while trying to migrate to Europe, have been trafficked and stranded in transit countries such as Egypt and Libya, where they live in slave-like conditions under the control of human traffickers. Somali women were raped, tortured and forced into sexual slavery. A group of young Somali migrants who had been arrested and tortured in Egypt were released and deported when their families allegedly paid the Egyptian security forces. The Independent Expert has put the Special Envoy in touch with the Special Rapporteur on the human rights of migrants to draw the latter's attention to the case of Somali migrants.

96. The Special Envoy also informed the Independent Expert about the deportation of Somali citizens from European countries and the United States, which might endanger the lives of the deportees. She advised the Independent Expert that deportation back to Somalia, for instance in cases related to criminal matters, should be undertaken only in consultation with the Federal Government and should take into consideration the capacity of the Federal Government to deal with those cases.

VIII. Women's rights and the role of *xeer* and traditional elders in governance and the administration of justice

97. In his previous reports to the Council, the Independent Expert expressed concern about the situation of the rights of women in Somalia, in relation to denial of the right to access to justice, in particular the protection of women's rights in the context of the weakness of justice institutions. The Independent Expert has proposed that a conference on sexual and gender-based violence and justice responses should be held in Somalia, with particular emphasis on the role of the *xeer* traditional justice system. In May 2016 and March 2017, the Independent Expert held extensive consultations with the authorities of the Federal Government and federal member states, international agencies and civil society partners in Baidoa, Geneva, Kismayo, Mogadishu and Nairobi and on the need for such a conference. The Independent Expert held more consultations with the new federal Government authorities in Mogadishu and with state authorities in Puntland and Somaliland.

98. Following the consultations, it has become clear that there are divergent views about the *xeer* system of traditional dispute resolution. There are those who reject it as outmoded, anachronistic and paternalistic and think that it does not allow women victims of sexual and gender-based violence to participate in the process of obtaining redress. Others are of the view that traditional leaders and elders inadvertently found themselves dealing with sexual and gender-based violence cases when the State collapsed. There was unanimous agreement that, in order for the formal justice system to handle those cases, some prerequisites must be put in place, including capacity-building, reform of the current justice system and strengthening of other capacities relating to institution-building. There is also a need to establish a system for referring criminal cases involving sexual and gender-based violence to the formal justice system. A sexual and gender-based violence unit has been established within the Attorney General's office, which has made some progress, despite its limited capacity. There are legal gaps in the protection of women's rights in Somalia related to culture and traditions. The weak legal framework and the role of religion in the interpretation of women's rights pose a grave challenge to women's rights advocates. Such concerns must be addressed.

99. There is broad consensus among many of the stakeholders consulted that the proposed conference could help to kick-start a conversation among the Somali people. That could include conversations with women themselves, traditional leaders and elders, Islamic scholars, judges, Members of the Federal Parliament and federal and state government officials, on the need to provide legal aid and access to justice, the delimitation of the role of traditional leaders and the comprehensive reform of both the traditional and the formal justice system. It was agreed that, if the formal justice system was not strengthened, traditional leaders would continue to adjudicate on sexual and gender-based violence cases, which do not fall within their traditional domain of intervention. Cases of gang rape are

adjudicated mainly by traditional elders, with the victims being left without a remedy, although the family honour may be protected through the payment of camels as *diya* (compensation) to the family. In spite of its inherent weaknesses, some people expressed a preference for the traditional system, since it quickly addresses cases that involve violations of women's rights. Victims' families are not required to pay anything for the elders to consider the case. The justice system should be reformed to make it accessible and affordable. Consensus is emerging about the need to refer cases of sexual and gender-based violence to the formal justice system, while allowing the traditional dispute resolution mechanisms to deal with disputes relating to pasture, water, camel-rustling and other social issues.

60. At the federal level, a policy on traditional dispute resolution was adopted in 2016. It was based on the critical and vital role played by the traditional justice system in Somali communities in the maintenance or restoration of peace and harmony. An estimated 90 per cent of disputes in Somalia are processed through customary dispute settlement mechanisms. These mechanisms are important because they are close to the people, use procedures and norms the people have known and understood for centuries and employ a transparent decision-making process involving community participation. Disputes are resolved according to the cultural practices and customs applicable to the community in question. In contrast to the formal justice system, customary dispute settlement mechanisms do not adhere to any written set of rules.

61. UNSOM is taking a lead in the reform process. The proposed conference could build on the consultative forum organized by UNSOM on 15 May 2017 with the aim of increasing collaboration between traditional dispute resolution mechanisms and the formal justice system in Jubbaland. The main objective of the consultation was to assess and improve links and coordination between formal justice stakeholders and informal, traditional justice stakeholders in compliance with human rights standards.

62. UNDP is setting up a mobile model court system to address the lack of courts in rural areas. Mobile courts are increasingly being used to remove the need for traditional leaders to handle cases that should come under the jurisdiction of the normal courts. Cases that cannot be solved by traditional leaders are referred to the modern courts. The UNSOM Rule of Law and Security Institutions Group informed the Independent Expert about ongoing training of traditional leaders in that area.

63. The outcomes of the conference would include, inter alia, removing negative practices from the xeer system, harmonization of good practices across Somalia, identification of positive roles traditional leaders could play in the protection of women, the referral of cases to the formal system, the role of elders in transmitting traditional values to youth, creating awareness about the rights of women within sharia law, and the interaction between xeer and international human rights law.

A. Puntland

64. During his visit to Puntland, the Independent Expert sought to draw on the region's experience of drawing up legislation related to sexual and gender-based violence and undertaking measures to harmonize the traditional and formal justice systems; he sought to determine whether those experiences could be replicated by the Federal Government and other states in the federation. The Independent Expert held meetings with the Vice-President of Puntland, the Ministers of Internal and Religious Affairs and the Minister of Women and Human Rights Development.

65. The Independent Expert also met representatives of civil society organizations, who told him about the lack of protection for members of minority clans in general, and women victims of rape from those clans in particular. The Independent Expert was informed of a case allegedly involving a rape by a member of the Puntland police, which had been taken up by the UNSOM Human Rights and Protection Group. The Puntland Human Rights Defender and the Puntland Minority Association network are spearheading advocacy efforts for the recognition of minority rights in Puntland.

66. The Puntland Minister of Women and Human Rights Development explained that the Government had taken measures to protect women against sexual and gender-based violence, and described the progress made in their protection. Her Ministry had been working to eradicate female genital mutilation through community involvement. A fatwa had been issued jointly in 2014 by Puntland religious leaders and Sudanese scholars, declaring that female genital mutilation did not exist under Islamic law. The fatwa was followed by a Puntland decree in March 2014, declaring a complete ban on female genital mutilation.

67. In 2015, Puntland adopted the Puntland Rape Act, which facilitated the trial of rape cases in formal courts. Chapter 19 of the Rape Act, on the special duties of the prosecution authorities where the accused is charged with a sexual offence, provides that the decision to prosecute the perpetrator of a sexual offence or any other offence under that law will be made by the Attorney General, not the complainant, and that the Somali Penal Code shall not apply to rape cases. It also provides that the prosecution authorities may establish specialized units with specialized prosecutors for sexual offence cases. At all relevant stages of the legal process, the prosecution authorities are required to forbid traditional elders or any other authority or person to take any measures to resolve any offence prescribed under the Act, using the traditional or any other informal dispute resolution mechanism. The Act has therefore removed the power to resolve rape cases through traditional mechanisms from traditional elders and families.

68. The Rape Act is yet to be effectively implemented because of the lack of training for judges and magistrates in the formal courts, who still use sharia law when the formal legislation is inadequate. The case of widely publicized gang rape by youth in Puntland is an indication that the traditional system continues to have influence. However, it should be recorded that the case concerned was taken from the traditional elders and tried in the formal court according to sharia law.

69. The Independent Expert was informed about the lack of both human and financial capacity, the existence of multiple justice systems and the problem of harmonizing them. The Minister of Women and Human Rights Development noted the importance of raising awareness about laws and policies by translating them into languages accessible to the people and disseminating the information within communities.

70. The Independent Expert commends the Puntland Government for adopting the Sexual Offences Act in 2016, the first of its kind in Somalia, and for its efforts to protect and promote women's rights through its Ministry for Women's Development and Family Affairs and the gender offices in other government ministries and departments. The Ministry works with the United Nations Population Fund as a member of the working group on gender-based violence, while the Ministry of Justice and Religious Affairs spearheads activities aimed at the total eradication of female genital mutilation or cutting in Puntland, with awareness-raising activities supported by UNICEF.

II. Somaliland

71. The Independent Expert met the Chief Justice of Somaliland, the minister for religious and rehabilitation and senior officials in the Ministry of Justice and the Attorney General's office. He also met the Chairperson of the Somaliland Human Rights Commission, representatives of civil society, traditional leaders and Islamic scholars to discuss the general situation of human rights in Somaliland. He notes that the security situation and the human rights situation are better in Somaliland than in southern central Somalia.

72. As in the rest of Somalia, the legal system in Somaliland is based on sharia law and a constitution that guarantees fundamental freedoms. The Independent Expert explained to his interlocutors the objectives of his mission, particularly his focus on the role of the traditional justice system, xeer, and the protection of women against sexual and gender-based violence.

73. Somaliland has been able to contain the threats from Al-Shabaab, making it the most secure region in Somalia. Somaliland officials voiced their frustration at the lack of recognition of Somaliland as an independent State, which has a negative impact on the Government because of the lack of resources from the international community. They argued that that lack of recognition was a human rights matter. The Independent Expert responded that the issue should be discussed within the context of United Nations political organs, and that he had no mandate to comment on such issues.[6] Nonetheless, civil society representatives stated that one of the problems was the state authorities' lack of transparency and the failure to hold elections for the past 15 years. In addition, issues relating to freedom of expression, minority rights and rape cases were brought to the Independent Expert's attention. Somaliland journalists face intimidation, arbitrary arrests and detention when they report political issues and, recently, the issue of the leasing of Berbera Port.

74. On the rights of women, some of the lessons learned include the zero-tolerance policy applied to rape cases, which led to a ban on traditional leaders having jurisdiction over those cases. The Independent Expert met two sultans who support the ban. Nevertheless, UNSOM informed the Independent Expert that some 505 rapes had been recorded in Hargeisa. The other lesson learned is the registration by the Ministry of the Interior of 2,700 sultans and their inclusion on the government payroll as part of the local governance system. In the view of the Independent Expert, such registration is useful for monitoring cases involving women's rights.

75. The Deputy Attorney General welcomed the initiative to protect women against sexual and gender-based violence and stated that rape had no place under sharia law; indeed, even touching a woman could be considered a sin under that system of law. If crimes prescribed by sharia law were committed, in addition to the punishment provided under the Penal Code, compensation was paid to the victim, meaning that the perpetrator faced two forms of punishment. Even in the traditional justice system, women's rights were considered important, and violations of those rights could result in conflict between clans.

76. The Independent Expert was informed that the Attorney General had issued a decree in 2011 banning traditional leaders from intervening in rape cases. The decree had filled the legal vacuum that had previously existed relating to the involvement of traditional elders in trials of cases of sexual and gender-based violence, by stating clearly that rape cases could not be dealt with by traditional leaders, but only by formal courts.

77. It is important to note that representatives of minority groups complained to the Independent Expert about the difficulties faced by those groups in integrating into society in Somaliland. One example was that of marriage between minority and majority clans; in one case, a couple had fled after getting married, but had been found and beaten by members of the majority clan, to which the wife belonged. Another problem facing minorities was their lack of representation in the Federal Parliament.

IX. African Union Mission in Somalia

78. The Independent Expert met the Special Representative of the Chairperson of the African Union Commission for Somalia and the Head of AMISOM and requested updated information on the implementation of the recommendations made following the African Union investigations into sexual exploitation and abuse allegedly committed by AMISOM soldiers. He also requested information on the outcome of the board of inquiry that convened whenever civilian casualties occurred during operations to counter Al-Shabaab and counter-terrorism operations. The Independent Expert expressed concern that the threatened withdrawal by some of the troop-contributing countries in 2018 might lead to the re-emergence of Al-Shabaab all over Somalia, unless immediate measures were implemented to strengthen the Somali National Army, as recommended at the London Conference.

[6] See Human Rights Council resolution 33/17, para. 18.

79. The Head of AMISOM explained that much progress had been made in reducing incidents of sexual exploitation and abuse. All businesses operated by Somali civilians had been moved out of the AMISOM compound, and the garrison's perimeter wall had been reinforced in order to minimize contact between troops and civilians. Measures had been put in place to build confidence among the civilian population, such as connecting civilians to AMISOM electricity and water supplies. AMISOM was implementing a zero-tolerance policy on sexual exploitation and abuse as part of pre-deployment training. It had recruited a conduct and discipline officer to deal with sexual exploitation and abuse as and when it occurred. Only one case had been reported in 2016; upon investigation, no evidence of sexual exploitation or abuse had been found. After receiving the allegation, the Board could not find the alleged victim, nor the hospital where she had supposedly been treated. In another reported case, it had been found, upon investigation, that the troops involved had not been AMISOM personnel.

80. In the sexual exploitation and abuse cases in 2015 that had previously been reported to AMISOM, one of the troop-contributing countries had conducted a court martial in Mogadishu, which was unprecedented in peacekeeping operations and showed that AMISOM was working to strengthen accountability. AMISOM expressed disappointment at the lack of cooperation from the UNSOM Human Rights and Protection Group during investigations. The representative of the Protection Group stated that it had declined to participate in the investigations because to do so would constitute a violation of its impartiality and neutrality as a group of human rights monitors, particularly as it was the Protection Group that reported such cases. The Independent Expert believes that, since AMISOM and UNSOM hold regular consultations, they should share information rather than blame one another.

81. As for preparedness for handing over to the Somali National Army, AMISOM stated that a monthly sector commanders' meeting was held with Somali National Army sector commanders to review the rules of engagement and human rights conformity of operations. AMISOM would start withdrawing in 2018. In the meantime, it had to complete the task of training the Somali National Army to take over the responsibility vested in AMISOM.

82. The Independent Expert takes note of the Security Pact adopted at the London Conference on the modalities of withdrawal of AMISOM, and the conditions identified during the joint assessment mission carried out on 18 May 2017 by the United Nations and the African Union, based on what has been achieved and what remains to be accomplished.

83. The achievements of AMISOM have been acknowledged by the international community. They include, among others, the successful operations against Al-Shabaab since 2012, the installation and protection of the Government in Mogadishu on its return from exile, which has significantly contributed to the consolidation of Federal State and regional state authorities and institutions, and the current efforts to stabilize the situation in Mogadishu.

84. The Independent Expert commends the cooperation between the United Nations and the African Union in Somalia. It has provided a peacekeeping model in which the two organizations complement one another. Their cooperation is an example of best practice by two institutions, particularly in a peace enforcement mandate. The withdrawal of AMISOM before the establishment of the necessary framework to maintain peace and stability is a recipe for disaster. That does not mean that AMISOM should stay in Somalia indefinitely. The Independent Expert hopes that AMISOM will continue to play its critical role until it is able to leave Somalia, and also that the withdrawal of AMISOM will constitute a benchmark for the capacity of Federal Government forces to take over the responsibility of securing peace in the country.

X. Conclusions

85. **The Independent Expert concludes the present report by thanking the Federal Government of Somalia and the authorities in Puntland and Somaliland for the cooperation that they have shown him during his fourth mission and in the past. He commends the Federal Government and the people of Somalia for the progress that**

they have made since he first visited Somalia in December 2014. The significant improvement in the human rights situation, governance and the peacebuilding process bears testimony to the progress made, notwithstanding the continuing threat from Al-Shabaab. The Independent Expert acknowledges the economic transformation that is evident in Somalia, despite the many challenges. Those developments are the basis for a sustainable Government that can guarantee human rights in the future.

86. Somalia successfully completed the 2016/17 electoral process, in which the number of women members of parliament increased from 38 in 2012 to 67 out of a total of 275 members in the lower house, and 13 out of a total of 54 members in the upper house.

87. The election of President Farmajo, who succeeded President Hassan Sheikh Mohamud on 8 February 2017, bears testimony to the peacebuilding efforts and the consolidation of State institutions in Somalia. International engagement with Somalia is critical to the stabilization and peacebuilding process.

88. The successful conclusion of the London Conference on Somalia on 11 May 2017 underlined the need for continued reform and support in the governance, security, rule of law and justice sectors, and for political frameworks at the federal and state levels.

89. The present report highlights the challenges concerning the role of traditional elders in resolving sexual and gender-based violence. The Independent Expert encourages the Federal Government and the Puntland and Somaliland authorities to adopt policies and legislative and judicial sector reforms aimed at guaranteeing women the right to access justice.

90. Challenges remain in the area of freedom of expression and opinion and in the justice sector. The new Government has shown its readiness to work with the Independent Expert and other partners to address those challenges.

91. Somalia has continued to face terrorist attacks by Al-Shabaab that threaten to weaken or reverse the gains made to date in the enjoyment of civil, political, economic, social and cultural rights. On the humanitarian front, the three-year drought has caused a humanitarian crisis affecting more than half the population and decimated about 60 per cent of the livestock, causing economic hardship to the population.

92. In order to face all of those challenges, it is important that the international community continue to support Somalia at what is a critical juncture, so that the peace and stabilization efforts do not lose momentum.

XI. Recommendations[7]

93. In view of the foregoing, the Independent Expert recommends that the Federal Government:

(a) Ensure the implementation of the Security Pact agreed at the London Conference on Somalia, particularly in respect of security and justice reforms;

(b) Conclude the process of establishing the national human rights commission by recruiting the members of the commission and its staff, and ensure that they are trained and that adequate resources are allocated for their work;

(c) Accede to and ratify international instruments such as the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the Convention on the Prevention and Punishment of the Crime of Genocide, the Rome Statute of the International Criminal Court and Additional Protocols I, II and III to the Geneva Conventions of 1949;

[7] Some of the recommendations in the present report are the same as those in previous reports, since they remain relevant.

(d) **Allocate resources equitably between the Federal Government and the federal member states;**

(e) **Establish skills development centres to empower women, young people and members of minority groups;**

(f) **Guarantee the rights of journalists and the freedom of the media, and finalize the ongoing review of the media law to bring it into line with international standards on media rights guaranteeing freedom of expression;**

(g) **Continue the reform of the traditional justice system, and conduct advocacy activities to ensure that traditional elders do not perpetuate discrimination and violence against women;**

(h) **Raise awareness among traditional leaders about human rights, particularly civic education and the rights of women;**

(i) **Finalize the review of, and raise awareness about, the new sexual offences bill;**

(j) **Strengthen the capacity of all ministries to enable them to carry out their mandates;**

(k) **Increase the resources allocated to the ministries and institutions responsible for the administration of justice and the protection of human rights, particularly the Ministries of Women and Human Rights Development at the federal and state levels, the judiciary, the police and the correctional services;**

(l) **Increase the number of women appointed to the judiciary and to institutions for the administration of justice, and the number of female police officers and prosecutors.**

94. **The Independent Expert recommends that the federal member states:**

(a) **Ensure that they fully coordinate with the Federal Government in matters of State-building and security institutions, including the national security architecture and the justice sector reforms;**

(b) **Adopt laws, such as sexual offences legislation, where they have not done so, on the protection of the rights of women against sexual and gender-based violence;**

(c) **Adopt comprehensive legislation, where they have not done so, to guarantee freedom of expression and opinion;**

(d) **Appoint more women to federal member state institutions, including the judiciary, police force and other institutions for the administration of justice.**

95. **The Independent Expert recommends that the international community:**

(a) **Support the Federal Government and federal state governments in promoting a sense of ownership of the Security Pact by the Somali people to ensure their participation in its implementation, and continue its support for the stabilization process in Somalia by providing adequate resources;**

b) **Continue its financial support for the Federal Government and AMISOM in their fight against Al-Shabaab;**

(c) **Coordinate with the Federal Government and AMISOM regarding the training of the Somali National Army and the police.**

96. **The Independent Expert recommends that AMISOM:**

(a) **Continue its operations in support of the Somali National Army while respecting international humanitarian law and international human rights law by minimizing civilian casualties;**

(b) **Continue implementing the casualty tracking system in order to minimize the accidental killing of civilians and to ensure accountability for civilian deaths;**

(c) **Conduct prompt investigations into any alleged cases of sexual exploitation and abuse or killing or injuring of civilians and report on the disciplinary measures taken against soldiers found guilty of perpetrating such acts.**

97. **The Independent Expert recommends that civil society:**

(a) **Continue its advocacy work at the federal and state levels to promote human rights, including the right to freedom of expression and opinion, women's rights, including the right to protection against violence, and the rights of young people, children, people with disabilities and minorities;**

(b) **Continue its advocacy work for the provision of adequate resources to enable it to discharge its promotional mandates.**